

2017 -- H 5348

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO ALCOHOLIC BEVERAGES -- RETAIL LICENSES

Introduced By: Representative Raymond H. Johnston

Date Introduced: February 02, 2017

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 3-7-6.1 of the General Laws in Chapter 3-7 entitled "Retail
2 Licenses" is hereby amended to read as follows:

3 **3-7-6.1. Renewal of Class B, Class C, Class D, Class J, Class N and Class P licenses.**

4 (a) The holder of a Class B, Class C, Class D, Class J, Class N or Class P license who
5 applies before October 1, in any licensing period, for a license of the same class for the next
6 succeeding licensing period shall, prior to filing said application, demonstrate that he or she has
7 complied with the alcohol server training regulations, as promulgated by the department of
8 business regulation, as set forth in subsection (b) of this section.

9 (b) The department of business regulation shall promulgate rules and regulations
10 requiring that all licenses issued pursuant to this section meet the following minimum alcohol
11 server training regulations, requirements:

12 (1) All persons who sell or serve alcoholic beverages; anyone serving in a supervisory
13 capacity over those who sell or serve alcoholic beverages; anyone whose job description entails
14 the checking of identification for the purchase of alcoholic beverages; and valet parking staff
15 shall receive alcohol server training regulations, as set forth herein.

16 (2) Any eligible employee of a licensee shall be required to complete certified training
17 within sixty (60) days of the commencement of his or her employment and must attain a
18 minimum score of seventy-five percent (75%). Provided, however, that the city of Pawtucket and
19 the town of Smithfield may require eligible employees to complete the certified training

1 program, prior to employment within the city or town. Individuals certified by an alcohol server
2 training program prior to December 31, 2005, are exempt from the certification requirements
3 herein, not to exceed three (3) years.

4 (3) Licensees shall require servers to be recertified every three (3) years.

5 (4) As a condition of license renewal, and as part of the license renewal application, each
6 licensee must submit to their municipality information verifying that all persons listed under
7 subsection (b)(1) of this section and employed by the licensee for more than sixty (60) days in the
8 past year have completed a certified program within the last three (3) years.

9 (5) All persons identified under subsection (b) of this section must have their valid server
10 permits on the premises when engaged in the sale or service of alcoholic beverages.

11 (6) Individuals who have been issued a server permit in another jurisdiction by an
12 approved Rhode Island alcohol server training program shall be determined to be in compliance
13 with this section subject to the three-year (3) limitation contained herein.

14 (c) Only alcohol server training programs that meet the following criteria as determined
15 by the ~~behavioral healthcare, developmental disabilities and healthcare~~ [department of business](#)
16 [regulation](#) may be eligible for certification:

17 (1) Training is provided in all basic information relevant to servers, including, but not
18 limited to:

- 19 (i) The physiological effects of alcohol;
- 20 (ii) Alcohol's association with social problems;
- 21 (iii) Coverage of legal requirements related to alcohol service;
- 22 (iv) How to identify patrons who are impaired; and
- 23 (v) Techniques in refusing service to intoxicated patrons.

24 (2) Training is provided in more than one medium including, but not limited to, video,
25 training manual, and/or role playing related to refusal of service to intoxicated drinkers.

26 (3) Training in preventing sales to underage drinkers, including training in detection of
27 fraudulent identification;

28 (4) Training shall entail no less than two (2) hours, and no greater than four (4) hours in
29 duration, with no absentee certification.

30 (d) Notwithstanding the criteria established under subsection (c) of this section, an
31 internet- or computer-based alcohol server training program shall be eligible for certification if
32 the following criteria are met:

33 (1) Training in all basic information, as outlined in subsection (c)(1) of this section, is
34 included in the program;

1 (2) Training in preventing sales to underage drinkers, including training in detection of
2 fraudulent identification, is included in the program; and

3 (3) Training program is designed to periodically verify that a trainee has reviewed and
4 obtained a working knowledge of information presented through the internet or computer training
5 program.

6 (e) (1) Testing procedures, test content, and grading procedures shall be approved by the
7 department of ~~behavioral healthcare, developmental disabilities and healthcare~~ business
8 regulation to ensure testing integrity and consistency with program requirements contained in
9 subsection (c) herein. The department of ~~behavioral healthcare, developmental disabilities and~~
10 ~~healthcare~~ business regulation is authorized to audit, in a method it shall determine, any approved
11 server training program.

12 (2) Training programs, pursuant to rules and regulations promulgated by the department
13 of ~~behavioral healthcare, developmental disabilities and healthcare~~ business regulation, shall be
14 recertified every three (3) years.

15 (3) Server permits shall be issued by the server training programs in a form approved by
16 the ~~behavioral healthcare, developmental disabilities and healthcare~~ department of business
17 regulation. Said permits shall include, at a minimum, the name of the server, the date of issuance,
18 and the name of the server training program.

19 (f) The department of business regulation shall promulgate and enforce rules and
20 regulations for non-compliance as follows:

21 (1) Graduated penalties for licensees for violations within a three-year (3) period
22 beginning with an initial written warning for violations within a three-year (3) period for a first
23 violation; a written warning for a second violation; a fine not to exceed two hundred fifty dollars
24 (\$250) for a third violation or noncompliance; and a license suspension for subsequent violations.

25 (2) For violations within a three-year (3) period, graduated penalties for training
26 programs beginning with an initial written warning, a written warning for a second (2nd)
27 violation, and a suspension and/or decertification for a third (3rd) violation or for repeated
28 noncompliance. ~~The behavioral healthcare, developmental disabilities and healthcare may~~
29 ~~forward complaints of violations to the department of business regulation.~~

30 (3) For violations within a three-year (3) period, graduated penalties for servers
31 beginning with an initial written warning; a written warning for a second violation, and a loss of
32 server training certification for a third violation or noncompliance.

33 (4) Failure to have a valid server permit on their person shall not constitute a violation,
34 provided, proof of a valid permit is provided within ten (10) days thereof.

1 (g) In order to provide for uniformity, any enactment by any government body relating to
2 alcohol server training programs pertaining to Class B, Class C, Class D, Class J, Class N, and P
3 licenses, as provided for herein shall be by statute as enacted by the general assembly.

4 (h) The respective departments shall promulgate said regulations no later than October 1,
5 2005. The department of business regulation ~~behavioral healthcare, developmental disabilities~~
6 ~~and healthcare~~ shall review and certify eligible alcohol server training programs no later than
7 January 1, 2006. The department of business regulation ~~behavioral healthcare, developmental~~
8 ~~disabilities and healthcare~~ shall notify applicants of any deficiencies not later than December 1,
9 2005. All licensees shall be in compliance with said regulations within ninety (90) days of
10 January 1, 2006, or be subject to the penalties set forth herein.

11 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO ALCOHOLIC BEVERAGES -- RETAIL LICENSES

1 This act would provide that the department of business regulation administer alcoholic
2 server training programs rather than the department of behavioral healthcare, developmental
3 disabilities and hospitals.

4 This act would take effect upon passage.

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